

IN THE CRIMINAL COURT
OF MADISON COUNTY, TENNESSEE
AT JACKSON, DIVISION I

STATE OF TENNESSEE

VS.

No. 96-589

JON DOUGLAS HALL

CLOSING ARGUMENTS

FEBRUARY 4, 1997

AMY MAYS

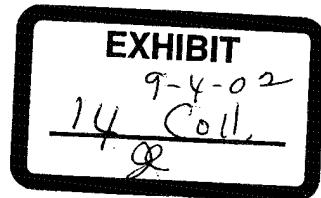
OFFICIAL COURT REPORTER

MADISON COUNTY CRIMINAL JUSTICE COMPLEX

JACKSON, TENNESSEE 38301

(731) 423-6039

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ORIGINAL

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APPEARANCES

2 Before the Honorable:

3 WHIT LAFON, Judge

4 For the State:

5 MR. JERRY WOODALL

6 MR. AL EARLS

7 District Attorney General's Office

8 Lowell Thomas State Office Building

9 Jackson, Tennessee 38301

10 For the Defendant:

11 MR. JESSE HILL FORD, III

12 MR. CLAYTON F. MAYO

13 Ford & Mayo

14 618 North Highland

15 Jackson, Tennessee 38301

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1 MR. WOODALL: Ladies and
2 gentlemen of the jury, as you know from
3 being on jury duty for several weeks,
4 it's now time to make closing arguments
5 in this case.

6 I'm going to say that
7 irrespective of all the different
8 witnesses that we heard over the past
9 couple of days, it boils down very
10 simply to, is this Defendant guilty of
11 murder in the first degree. I think
12 that's what we're talking about, and
13 that's what we have to examine the proof
14 with, to see if this is a deliberate
15 premeditated murder or if it's some
16 other form of homicide. I'd say to you
17 that based upon the evidence and the law
18 that will be given to you by the Court,
19 that this was a deliberate premeditated
20 murder showing intent on the part of the
21 Defendant.

22 Now, we'll talk about the
23 Judge's charge in a minute, but let's
24 look at what shows premeditation, that

1 shows that this is a deliberate,
2 thought-out, calculated act.

3 THE COURT: Move it back a
4 little bit.

5 MR. WOODALL: I'm going to write
6 on it.

7 THE COURT: Go right ahead.

8 MR. WOODALL: Thank you.

9 THE COURT: Yes, sir. That's
10 all right.

11 MR. WOODALL: Number one, we've
12 got to look at the people that came in
13 contact with the Defendant, that he
14 either told about what happened or were
15 present and observed what happened.
16 That's how we can determine whether or
17 not this is a deliberate, premeditated,
18 planned murder.

19 Now to start with, the Defendant
20 goes out to that house, and what does he
21 do? Unhooks the phone. Deliberate,
22 premeditated, intentional. It's very
23 obvious why the Defendant unhooked the
24 telephone. He didn't want his wife to

1 be able to call out for help, ask for
2 the police to come out there, because --
3 and this is the second thing that shows
4 premeditation, as he related to his
5 buddy who was also in maximum security,
6 that he was going to go out there and
7 try to reconcile with his wife. First
8 he unhooks the telephone. What does
9 that tell you? That tells you he
10 doesn't think the reconciliation's going
11 to work, and if it doesn't work, he's
12 going to do something about it, and he's
13 going to make sure that she can't call
14 anybody and get any help.

15 And what does he tell his
16 friend? And this is the second thing
17 that shows premeditation, intent and
18 deliberation. He said that he went out
19 there to reconcile, but if that didn't
20 work out, what was he going to do? He'd
21 made his mind up before he got out there
22 and before he unhooked that telephone,
23 the lifeline as it turned out for this
24 woman. He unhooked the lifeline, but he

1 had in his mind, and he told his friend
2 in prison that, "If the reconciliation
3 doesn't work out, I want her to suffer
4 like she had made me suffer." His
5 mind's made up. Make her suffer. And
6 these are deliberate, premeditated,
7 intentional, willful acts, and acts that
8 are committed with reflection and with
9 cool purpose.

10 Now the Judge is going to
11 instruct you at the appropriate time on
12 premeditated killing. I think that
13 he'll show you -- or tell you that
14 premeditation means that the intent to
15 kill must have been formed prior to the
16 act itself. Cut off the lifeline. If
17 she doesn't go along with the
18 reconciliation, make her suffer.
19 Deliberation, premeditation. The intent
20 to kill was formed prior to the act
21 itself.

22 The Court will also instruct you
23 it is not necessary that the purpose to
24 kill pre-exist in the mind of the

1 accused for any definite period of time.
2 Now you said that you would look at
3 those instructions and you'd look to the
4 Court for the law and you'd follow those
5 instructions. The Court's going to tell
6 you it is not necessary, it is not
7 necessary, that the purpose to kill pre-
8 exist in the mind of the accused for any
9 definite period of time. It is
10 sufficient that it preceded the act,
11 however short the interval, as long as
12 it was the result of reflection and
13 judgment. Went out there and the first
14 thing that tells you he's reflecting, he
15 has judgment, he unhooks the lifeline.
16 He unhooks the lifeline. And we know
17 what he tells those kids later on, don't
18 we? And we'll get to that in just a
19 minute, but that also shows reflection
20 and premeditation and trying to keep the
21 woman from the only other lifeline that
22 she had available, and that was to have
23 those kids go get help from the
24 neighbors. It is sufficient that it

1 precede the act, however short the
2 interval, as long as it was the result
3 of reflection and judgment.

4 Now, I guess the defense team is
5 going to argue to you, well he was just
6 excited and he lost his emotions, and
7 that's what they told you on opening
8 statement, if you'll recall that. But
9 now, the Court is going to charge you
10 this. If the design to kill was formed
11 with deliberation and premeditation,
12 deliberation, premeditation, it is
13 immaterial that the accused may have
14 been in a state of passion or excitement
15 when the design was carried into effect.
16 Deliberation, reflection. If the design
17 to kill was formed with deliberation and
18 premeditation, it is immaterial that the
19 accused may have been in a state of
20 passion or excitement when the design
21 was carried into effect.

22 Now let's look at the different
23 interruptions and things that shows that
24 this Defendant continued even after he

1 unhooked the phone, after he decided
2 that he was going to make her suffer
3 like he perceived that she had made him
4 suffer.

5 What's the next thing that we've
6 got? Then he went and knocked on the
7 door. The children tell us that the
8 mother told him that he couldn't come
9 in. "You can't come in." What did the
10 Defendant do? He forced his way into
11 the house, a conscious decision, a
12 conscious decision, and it is a design
13 to kill formed with deliberation and
14 premeditation. He had -- She knew -- He
15 knew that she didn't want to
16 reconcile. She didn't even want him
17 in the house, and he forced his way in
18 the house. Deliberation, premeditation,
19 reflection.

20 Now what's the next thing he
21 did? She wouldn't talk reconciliation.
22 Everybody's in the living room. He
23 knocked her out of the chair. Made the
24 kids go to bed before he knocked her out

1 of the chair. And why did he make the
2 kids go to bed? He didn't want any
3 witnesses. Deliberation, reflection,
4 contemplation, premeditation, intent.
5 Kids go in the bedroom, Mama's knocked
6 out of the chair. Mama is then taken
7 into the bedroom, and the little girls
8 hear beating and Mama crying out.

9 Now what's the next thing that
10 we know that this Defendant showed
11 reflection and cool purpose and
12 premeditation and intent and
13 deliberation? He puts stuff up next to
14 the door to keep the little girls he
15 thought from getting in the room.
16 Barricaded door. Reflection,
17 deliberation, premeditation, cool
18 purpose. So, he's got the doors so the
19 little girls can't get in. Can you
20 imagine how those little girls were
21 feeling and how scared they were? And
22 what did they? Then went in there and
23 they went to try to save their mama and
24 said, "Daddy, don't hurt Mama anymore."

1 One of them even jumps on his back, and
2 he slings her off, and the other little
3 girl can't stop him from hitting Mama,
4 and he's hitting her, and he's hitting
5 her, and he's hitting her. One of them
6 even tries to give her a little
7 handkerchief or a napkin or something to
8 wipe the blood off, and we know from
9 looking at what Dr. Smith has told us,
10 we've got at least 83 separate blows.

11 THE COURT: You'll have to take
12 her outside, please.

13 MR. WOODALL: 83 separate blows.
14 Deliberate, premeditated, conscious
15 reflection, targeted. Now all 83 of
16 these blows didn't occur in the bedroom,
17 did they? No, they didn't.

18 MR. FORD: Your Honor, I can
19 still hear this wailing out here.

20 THE COURT: Well I've asked him
21 to take her out. I --

22 MR. FORD: I hate to interrupt
23 the General.

24 THE COURT: Take her downstairs

1 or someplace.

2 MR. WOODALL: How many blows
3 we've got in the bedroom, I don't know.
4 But the little girls are in there and
5 they're saying, "Daddy, Daddy, don't
6 beat Mama anymore," and they tried to
7 use the telephone, tried to use the
8 telephone. Wouldn't work. Why wouldn't
9 it work? Because the Defendant, knowing
10 what he was going to do after he went
11 out there if she didn't exceed to his
12 will, set about his plan to deliberately
13 and premeditatedly kill this girl and
14 cut off her lifeline. Then the little
15 girls said, "Let's go across the street
16 to the neighbor's house," and if the
17 Defendant said anything that night
18 that's been borne out it was this,
19 shows premeditation, reflection,
20 deliberation. "If you go across the
21 street and ask for help, I'll kill your
22 mama. If you go across the street and
23 go for help, I'm going to kill your
24 mama." Even some testimony by the

1 little girls, "Yeah, go ahead, use the
2 phone. It won't work. But if you cross
3 the street and get help, I'm going to
4 kill your mama," and he did. He did.
5 One blow at a time.

6 Mama gets loose. Billie runs
7 out through the house from the bedroom,
8 over the barricade, through the living
9 room and out that kitchen door and out
10 on the driveway. Y'all heard the proof.
11 I want to say he said it was 90 feet or
12 something. I don't know. We don't know
13 how many blows she'd gotten from there.
14 What did he do? Got outside, got her in
15 that driveway and inflicted some more
16 blows, more blows.

17 Dr. Smith, you know, -- Look up
18 here. It's 14 minutes 'til 4 right now
19 by that clock. He said it took several
20 minutes to 15 minutes to die probably,
21 and that's probably about right, to his
22 best medical opinion. 1, 2, 3, 4, 5, 6,
23 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17.
24 17. That's all 17 is. Deliberation,

1 premeditation.

2 She gets away. She goes
3 outside. I don't know where 18 --

4 THE COURT: General, go over
5 there and knock over yonder, please,
6 sir.

7 MR. WOODALL: Well ...

8 THE COURT: I don't object to
9 you knocking, but go back over there if
10 you will.

11 MR. WOODALL: The point of it
12 is, it went on and on and on, and she
13 got away, and he pursued her, and he
14 continued to hit and hit and hit, 21,
15 22, 23, 24. Well the little girl says
16 she gets up and she gets a few more feet
17 away, and then he hits her again, and he
18 drags her over to the swimming pool.

19 21, 22, 23, 24, 25. Can you imagine how
20 long it was to her? You know, we've got
21 25 blows there. We've got two or three
22 minutes. This went on and on and on,
23 and the pain increased, and she's
24 hearing him say to the little girls, "If

1 you go get help, I'll kill you. I'll
2 kill you."

1 to get away. And the last little girl
2 that testified said what was happening,
3 about where she stopped and trying to
4 get her breath and was drug to the
5 swimming pool, that Mama was screaming
6 and hollering and kicking, and he's
7 steady dragging and beating, and he gets
8 her to that pool, and he puts her in
9 that pool, and she's still alive. Still
10 alive. And he deliberately and
11 premeditatedly chokes what life that was
12 left in her out and left her face down
13 in that pool, sucking that water into
14 her lungs to end her life. Beat and
15 beat and beat and beat. Several
16 minutes, up to 15. Five minutes have
17 gone by. It seems like an eternity.
18 Billie Jo was just one-third of the way
19 through dying. And those kids are
20 crying, begging, "Show some mercy.
21 Don't kill my Mama. Please don't kill
22 my Mama."

23 And that oldest child, what'd
24 she do? You know, it's like she knew

1 that she was the mama because she gets
2 that little three-year-old that can't
3 walk, can't get away, can't go for help,
4 'cause she can't walk, she has cerebral
5 palsy, and she carries this child away.
6 And this Defendant will have you believe
7 how much he loves these children. Yeah,
8 "Go for help, I'll kill your mama."
9 Beat, beat, beat, beat. Deliberate,
10 premeditated, willful. Presence of mind
11 from the time he got there.

12 Now we have in the law something
13 called voluntary intoxication. The
14 Defendant would have you believe through
15 his expert witness that he was
16 intoxicated, and he was so intoxicated
17 that he couldn't conform his conduct to
18 the law and he couldn't form the intent
19 to commit murder in the first degree.
20 The Court will charge you on that at the
21 proper time.

22 Now let me tell you, voluntary
23 intoxication so that you can't form your
24 conduct, can't form intent. Let me tell

1 you what that is. A fellow goes out on
2 a night on the town, gets drunk. He
3 knows he's going to be in trouble when
4 he gets home. Knows he's going to be in
5 trouble. And when he gets home, he gets
6 his keys out and tries to open the door
7 and the door won't open. He finally
8 crawls through some window in the house
9 and gets in the house, and all of a
10 sudden the lights come on. It's a
11 neighbor's house. He didn't even know
12 which house he was in, where he is.
13 That's when you're so intoxicated that
14 you can't have the requisite intent to
15 commit a felony or voluntary
16 intoxication reduces it from first
17 degree murder to second.

18 A man who unhooked the phone and
19 made sure that she would suffer like he
20 imagined and went there with the intent
21 to do that, that she had made him
22 suffer; forces his way into the house,
23 barricades the door, pursues his wife.
24 I mean, he tells the children, "If you

1 go for help, I'll kill your mama." He
2 knew where he was, why he was there and
3 what he was going to accomplish when he
4 got there. And he went out there, and
5 when she wouldn't reconcile or let
6 him in the house, he'd already cut the
7 lifeline to the police department, and
8 he thought he could intimidate these
9 kids in not extending the lifeline, and
10 he told them he'd kill her if they went
11 for help, and that's exactly what they
12 did. They went for help. Oh, me.

13 The design to kill is formed
14 with deliberation and premeditation,
15 it's immaterial that the accused may be
16 in a state of passion or excited when
17 the design was carried into effect.

18 Ten minutes. She's still being
19 beaten. Where are we now? Up to 55,
20 60? She's got five minutes to live.
21 She'd been outside. Said it could have
22 gone up to two hours, but we know it
23 didn't go up to two hours, but he beat
24 and beat, targeted, deliberately,

1 premeditatedly, committed the offense of
2 murder in the first degree.

3 And here's what the Court's
4 going to tell you, that before you can
5 find the Defendant guilty of
6 premeditated murder or murder in the
7 first degree, you've got to find that
8 the Defendant unlawfully killed the
9 victim. Two, that the Defendant acted
10 intelligently. And a person acts
11 intelligently with respect to the nature
12 of the conduct or to the result of the
13 conduct when it is the person's
14 conscious objective or desire to engage
15 in the conduct that caused the result,
16 and that the killing was deliberate, one
17 formed with a cool purpose and was
18 premeditated after the exercise of
19 reflection and judgment, the intent to
20 kill being formed prior to the act
21 itself. It's not necessary the purpose
22 to kill pre-exist in the mind of the
23 accused for any definite period of time.
24 You know, we don't have to have

1 a Mafia hit killing where you plan it
2 all out and then assassinate somebody
3 with a high-powered rifle from a
4 distance away before it's premeditated.
5 What we have here is the Defendant
6 unlawfully killed his wife. He did it
7 intentionally, he did it deliberately,
8 he did it premeditated, he did it with
9 reflection. He had several different
10 opportunities to reflect on what he's
11 doing throughout the entire chain of
12 events. The proof is the Defendant
13 deliberately, premeditatedly beat and
14 beat and beat and beat and beat his
15 wife. He drug her down to that pool.
16 She's got one minute to live. Her 15
17 minutes are almost up. I guess the only
18 thing that she had left was that she
19 knew that the little girls had gotten
20 away and run across the street.

21 And there's one other thing that
22 shows that the Defendant knew what he
23 was doing. He went back after he killed
24 her, after he'd finally choked the life

1 out of her, her time is up, and he went
2 back in the house, got the keys to her
3 car --

4 THE DEFENDANT: I had my own
5 damn keys.

6 MR. WOODALL: Your Honor, --

7 THE DEFENDANT: This is all a
8 bunch of bullshit.

9 THE COURT: Mr. Ford, talk to
10 him a minute there and tell him what I'm
11 fixing to do.

12 THE DEFENDANT: Your Honor, my
13 testimony could have been brought in.
14 You're not trying to represent me.
15 You're trying to hang me.

16 MR. WOODALL: Your Honor, could
17 we remove him from the courtroom?

18 THE COURT: Let him talk to him.
19 If he says another word that I can hear,
20 I'm going to --

21 THE DEFENDANT: They're bringing
22 in testimony --

23 THE COURT: Take him into my
24 office, please.

1 THE DEFENDANT: Go ahead and
2 railroad me.

3 MR. WOODALL: There's one more
4 thing. You know, us lawyers think we're
5 so smart. Well I got a wife that tells
6 me that's not true. But jurors think
7 things out. That's what you're there
8 for.

9 But there's one other major,
10 major thing that tells us that this was
11 done deliberately and premeditatedly and
12 with reflection and cool purpose. And
13 what is that? What is that? "You will
14 not graduate. You will not be a
15 graduate. And why won't you be a
16 graduate? Because I'm getting ready to
17 kill you." "Your mama will never
18 graduate from college." And this
19 Defendant, deliberately, premeditatedly,
20 of his cool purpose, upon reflection,
21 deliberately and premeditatedly killed
22 Billie Hall. And you said that you
23 would render a verdict that truth
24 dictates and justice demands, and that

1 is a verdict of guilty of murder in the
2 first degree.

3 Thank you.

4 THE COURT: General, you used 30
5 minutes.

6 All right, are you going to
7 split your argument?

8 MR. FORD: Maybe reserve about
9 five minutes, Your Honor.

10 THE COURT: All right, sir.

11 MR. MAYO: Ladies and gentlemen
12 of the jury, that was powerful stuff.

13 Mr. Woodall was very good. Mr. Hall is
14 difficult. Y'all experienced that.
15 Y'all have seen that now. But no matter
16 how much we try, Mr. Woodall tries, to
17 turn this into a first degree murder
18 case, it just isn't. It's just not.

19 It's not the truth. That's not how this
20 occurred.

21 What happened is inexcusable.
22 Inexcusable. There's no excuse for it.
23 There's no legitimate explanation for
24 what occurred out there. But Tennessee

1 has laws. That's why the laws include
2 different degrees of murder and lesser
3 included offenses. There's not just one
4 charge, first degree murder and that's
5 it. There's a reason for that. Our
6 legislators made these laws up for us.
7 We are bound to follow these laws, no
8 matter how much we may dislike what Mr.
9 Hall did. No matter how bad we hate
10 what he did. No matter how bad we
11 dislike him. No matter how sorry we
12 feel for those children. There is not a
13 person in this courtroom that almost
14 didn't shed a tear when those children
15 were testifying. But just because the
16 children suffered, as bad as it may be,
17 that is not a reason to find Mr. Hall
18 guilty of first degree murder.

19 First degree murder has
20 elements, and the elements of first
21 degree murder, that I'll direct your
22 attention to, are premeditation and
23 deliberation.

24 Mr. Woodall referred to the

1 charge and told you about premeditation
2 and that it can be formed in an instant,
3 and he mentioned deliberation, cool
4 purpose and cited a couple of examples
5 from the conduct that could show perhaps
6 a cool purpose. But if you look at all
7 the evidence, Mr. Hall did not commit
8 this act with a cool purpose after the
9 exercise of reflection and judgment.

10 We're not talking about someone who laid
11 in await a hundred yards away, hired a
12 killer, shot someone through the heart.
13 That may be cleaner than what this was.
14 It may not drive our passions as much as
15 this did, but it's different.

16 What Mr. Woodall -- and I
17 certainly don't intend to mean that he
18 did this on purpose, but there are parts
19 of this charge that I would ask you to
20 read that explain a little bit better
21 deliberation and premeditation.

22 Premeditation, by this charge, is an act
23 done after the exercise of reflection
24 and judgment. It means that the intent

1 to kill must have been formed prior to
2 the act itself. It also says that it's
3 not necessary that the purpose to kill
4 pre-exist in the mind of the accused for
5 any definite period of time. But it
6 goes on to state that the mental state
7 of the accused at the time he allegedly
8 decided to kill must be carefully
9 considered in order to determine whether
10 the accused was sufficiently free from
11 excitement and passion as to be capable
12 of premeditation.

13 The evidence in this case does
14 not indicate that Mr. Hall was free from
15 excitement and passion. To the
16 contrary. Everything, every bit of the
17 evidence that has come out shows us how
18 excited he was, how passionate he was.
19 We think of passionate most of the time
20 in a positive context when we use that
21 word, but here it's used in a negative
22 context. Mr. Hall's passion rose to the
23 level that most of our passion would
24 never rise to.

1 It states also, furthermore,
2 premeditation can be found, if the
3 decision to kill is first formed during
4 the heat of passion, but, the accused
5 commits the act after the passion has
6 subsided, after the passion has gone.
7 The evidence in this case does not
8 indicate that the passion subsided.

9 When we look at premeditation and
10 cool deliberate purpose, I would point
11 your attention to evidence that came in
12 and was admitted in this trial. Mr.
13 Hall had been drinking that day and was
14 drinking that night, brought beer over
15 to the house and popped a beer when he
16 got inside the house. Once again,
17 that's no excuse for what he did, and
18 I'm not going to sit here and tell you
19 it was. No weapon was used. No weapon
20 was in the house.

21 You know, a premeditated act, if
22 you're going to pull off a murder,
23 premeditated and plan it, then surely
24 you would intend to get away with it.

1 How in the world was Mr. Hall going to
2 get away with this murder? What kind of
3 plan was this? His children. He did
4 this in front of his kids. I got kids.
5 It tears me up to think about that. But
6 it happened. I got a wife. Never do
7 anything like this, but it happens. As
8 terrible as it may be, it happens. But
9 just because he did it in the presence
10 of the children, is certainly no reason
11 to believe that it was premeditated and
12 that it was carried out with a cool,
13 deliberate purpose, after exercising
14 reflection and judgment. He loved his
15 children. Now that night he certainly
16 did not show it, but, he had taken care
17 of his daughter who had cerebral palsy
18 every day for two years, gave her
19 breathing treatments. A man who loves
20 his children, no matter how twisted his
21 logic may be, would never go over and
22 murder their mother in front of them on
23 purpose.
24 He took a money order over there

1 for child support, a \$25 money order.
2 The money order, it said, to Billie Jo
3 Hall from Jon Hall. It was dated July
4 29th, '94, the day this occurred. He
5 left it at the house. How cool is that?
6 What kind of judgment was that? He was
7 excited. He was passionate. He was
8 lost. He lost control. He did
9 something that none of us would ever do
10 and that we can't understand, but it
11 doesn't mean that it's first degree
12 murder. Maybe you think it should be,
13 but the law of Tennessee does not say
14 that it is, and we and you are bound to
15 follow the law. You said you would, and
16 we have faith that you will. And as
17 much as we may want it be first degree,
18 it just isn't. He was screaming. He
19 was in a rage. Testimony came out about
20 that. He left fingerprints there. He
21 didn't wear any gloves. He had no plan
22 of escape. He took off in the family
23 van that would have been instantly
24 recognized.

1 Dr. Zager testified that he was
2 depressed and had an alcohol problem.
3 Mr. Helms testified that he was
4 significantly depressed. We're not just
5 talking about depressed like we get
6 sometimes when the weather's bad and
7 things don't go our way. This is
8 clinical depression. This is quite
9 different. He had -- His intelligence
10 was in the low/average range. He acts
11 on emotions rather than cool, deliberate
12 thought.

13 This argument is not a cop-out.
14 This is an argument designed to have Mr.
15 Hall convicted of what he did, not what
16 the State wants you to believe he did.
17 Those children were sympathetic, but
18 just because they observed what
19 occurred, Mr. Woodall said imagine what
20 those little girls felt. Imagine what
21 they felt, but that doesn't have
22 anything to do with what Mr. Hall did.

23 He beat her to death with his
24 fists. With his fists. And Mr.

1 Woodall's demonstration of that was very
2 effective. It was horrible. As I say
3 earlier, inexcusable. But what he did
4 was not premeditated, planned out. Mr.
5 Hall was a mechanic. If he had wanted
6 to premeditate something, he could have
7 set Mrs. Hall's car up, he could have
8 cut her brake lines, he could have made
9 her fuel line explode. He could have
10 done a number of things. He could have
11 designed a self-defense situation and
12 taken a weapon over there, dropped it
13 off, left it in the house and then
14 killed her with a knife and then claimed
15 self-defense. There was no defense to
16 this. There is no defense to it.

17 Investigator Byrd stated from
18 the very beginning of this case they
19 knew who did it. There was no hiding
20 this. They didn't even check for
21 fingerprints. They didn't need to.
22 Even anyone, I would submit someone,
23 even perhaps a -- someone with a very
24 low intelligence, even lower than Mr.

1 Hall's, even a child, could come up with
2 a plan better than this. It wasn't
3 cool. It wasn't cool at all.

4 What I would ask you to pay
5 attention to as you read over the
6 instructions are the elements of first
7 degree murder. The elements of it have
8 got to be proven beyond a reasonable
9 doubt, each and every element of this
10 case, each and every element.

11 Premeditation is one of those elements;
12 deliberation is another one of those
13 elements. We've explained and defined
14 what those are. I'm sure you know what
15 they are by now. You can read in this
16 charge what they are. But if you read
17 those elements and you use your common
18 sense that you all have and you think
19 about this from your common sense and
20 experience -- I'm not talking about
21 experience with something like this but
22 what you know to be people's mental
23 capacity and how people react in
24 situations, certainly we can be

1 convinced beyond a reasonable doubt that
2 the elements of this offense were
3 proven.

4 Dr. Zager testified. She is an
5 expert, and she testified that he was
6 not capable of forming the necessary
7 state of mind, the necessary elements of
8 premeditation of first degree murder.
9 That alone surely should be enough to
10 cast doubt as to the elements of first
11 degree murder, first degree murder. But
12 when you think about all the other bits
13 of evidence in this case, including, as
14 I ran over them with you earlier, he was
15 under the influence, he didn't have a
16 weapon, witnesses were left, not only
17 the children, of course he left the
18 children, but there were other witnesses
19 around. He left a money order out
20 there. He left his fingerprints. He
21 didn't wear any gloves. He didn't use a
22 weapon. There was no way to get away
23 with this. It's impossible to get away
24 with this.

1 Use your common sense and
2 experience and hold the State to the
3 burden of proof on first degree murder
4 of beyond a reasonable doubt, each and
5 every element, and I believe that if you
6 use your common sense and experience,
7 you'll be convinced that he didn't do
8 this with premeditation, and most
9 importantly, with deliberation and cool
10 purpose. The passion never subsided.

11 Thank you.

12 THE COURT: Mr. Ford. Mr. Mayo
13 was fairly brief.

14 MR. FORD: Mr. Mayo did an
15 excellent job, Your Honor, and I won't
16 be long.

17 THE COURT: I'm not commenting
18 on what kind of job he did, but I'm
19 saying to you that he only used 25
20 minutes, so you have more than five.

21 MR. FORD: Thank you, Your
22 Honor.

23 THE COURT: You can tell the
24 jury what you think about his argument

1 if you wish. That'd be your privilege.

2 MR. FORD: Thank you, Your
3 Honor.

4 Ladies and gentlemen, it's been
5 a long day. You've heard the arguments
6 of counsel. You've been very patient in
7 sitting through the individual voir
8 dire. I think now you understand why we
9 had to ask all those questions. Now you
10 know we're at the end of the case. I
11 want to thank you on behalf of the
12 defense team for your patience here
13 today. This is our last opportunity to
14 speak to you. I want to point out one
15 thing.

16 When the State of Tennessee has
17 to bring in someone who's a mole from
18 the penitentiary to make a case, that
19 pretty much tells you, you know, in a
20 first degree murder case, they're in
21 trouble. Of all the witnesses out
22 there, they hang their hat on a fellow
23 in prison garb from the pen to come in
24 here and show this is a premeditated

1 first degree murder case.

2 Now what did he say? He said
3 Jon Hall had been drinking all day. I
4 asked him what did he want to do. He
5 wanted to try to reconcile with his
6 family. Did he take a money order? He
7 took money out there. He wanted to make
8 a child support payment, take money out
9 there and reconcile with his family.
10 That's what he wanted to do. That was
11 his intent. Things got out of control,
12 and here we are.

13 Mr. Mayo is absolutely correct.
14 The passion never subsided, never
15 subsided. The passion has still not
16 subsided in Mr. Hall because he has to
17 live with this every day. He destroyed
18 his family, his wife. He has to live
19 with it every day. The passion has
20 never subsided.

21 Thank you.

22 THE COURT: General.

23 MR. WOODALL: Ladies and
24 gentlemen, don't get caught up on the

1 passion never subsided. Look at those
2 instructions. The instructions that the
3 Court will give you is, the design to
4 kill was formed with deliberation and
5 premeditation. It's immaterial,
6 immaterial, that the accused may have
7 been in a state of passion or excitement
8 when the design was carried into effect,
9 and the sentence that they key on is
10 just another option. It's not -- It
11 just says, furthermore, premeditation
12 can be found, another way you can find
13 premeditation, if the decision to kill
14 is first formed during the heat of
15 passion but the accused commits the act
16 after the passion has subsided.

17 So, you know, they say we're in
18 trouble because we bring someone in from
19 the penitentiary. Well, for right now
20 just strike out number two. Was the
21 phone unhooked? You betcha it was
22 unhooked. Did he force his way in the
23 house? Uncontroverted. You bet he did.
24 Did he barricade the door? Absolutely.

1 Did he pursue this woman? Yes. And did
2 he tell the kids that, "Your mama will
3 never graduate?" That tells you that he
4 made the decision to go ahead and kill
5 her right then. And then he told them,
6 "Cross the street and go get some help,
7 I'll kill your mama. I'll kill your
8 mama in front of you kids." Yeah.

9 Get caught up on this drinking
10 all day. I asked the good Dr. Zager.
11 She said, "Well now, we're just talking
12 about the fact that he has a drinking
13 problem," and you have to have one or
14 more of the following signs developing
15 during or shortly after this use of
16 alcohol. Slurred speech? She said,
17 "Well, uh, uh, don't recall that." This
18 is a woman that's reviewed all these
19 statements. "Uh, don't recall that,"
20 said the good doctor. Incoordination?
21 "Don't recall that." These 83 blows
22 don't show any incoordination, do they?
23 This pursuing doesn't show any
24 incoordination, does it? This throwing

1 her in the pool doesn't show any
2 incoordination, does it? Another one of
3 the following signs, unsteady gait.
4 Doctor doesn't recall that. Any
5 problems with nystagmus recognition?
6 "Don't recall that." What about
7 impairment in intention or memory?
8 "Don't recall that." What about stupor
9 or coma, another element? "Don't recall
10 that."

11 This Defendant is just simply
12 trying to escape the responsibility for
13 his own conduct. He's simply trying to
14 escape his own conduct. One who went
15 out there -- And they talk about the
16 money order. The money order. That was
17 his key to the house, he thought. For
18 25 pieces of silver he was going to get
19 entry into the house, and when that
20 didn't work, he forced his way in.

21 And then the defense would have
22 you believe this can't be deliberate and
23 premeditated because it wasn't a good
24 plan, because he got caught? You know,

1 you would -- what does it have to -- the
2 only way it can be first degree murder
3 is when it's a killing of Hoffa whose
4 body has never been recovered and nobody
5 charged? Well of course not. I can't
6 help it he got caught. But he went out
7 there knowing that he was going to get
8 in the house with that check, that he
9 was going to get in there, and if she
10 didn't do what he wanted, make her
11 suffer like she'd made him suffer, and
12 so she couldn't call the police, he
13 unhooked the phone, and when she
14 wouldn't do what he wanted, he started
15 to beat on her, one blow at a time,
16 deliberately, premeditatedly.
17 Barricades the door so that the little
18 kids, the only remaining lifeline, can't
19 even get in there, and they scratch
20 their way in there and try to help their
21 mom, and he tells them, "She'll never
22 graduate. If you girls go across the
23 street, I'll kill your mama."
24 And she gets away from him and

1 gets outside. He pursues her.
2 Deliberation, premeditation. And he
3 continues to beat and beat and beat and
4 beat.

5 He may not be the smartest
6 criminal in the world, but we don't have
7 anything in the instructions that the
8 Court will give you that says because he
9 was dumb enough to get caught, he ought
10 to be acquitted, or found guilty of a
11 lesser included offense. What we've got
12 to look at is the facts and the proof
13 and the evidence that demonstrated that
14 he had the premeditation and the
15 deliberation and the reflection and the
16 cool purpose. And it's here. He
17 unhooked the phone. Made his mind up
18 that if she didn't do what he wanted, he
19 was going to make her suffer. Forced
20 his way into the house. Made the kids
21 go to bed. Took her into the bedroom
22 and barricaded the door. The kids come
23 in, tells them, if they go for help --
24 "Use the phone. Yeah, use the phone."

1 "If you go for help, I'm going to kill
2 her."

3 The Defendant, based upon the
4 proof that's been presented, is guilty
5 of murder in the first degree, and
6 that's what the jury should return,
7 guilty of murder in the first degree.

8 Thank you.

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CERTIFICATE

2 I, the undersigned Amy Mays,
3 Official Court Reporter for the 26th
4 Judicial District of the State of
5 Tennessee, do hereby certify that the
6 foregoing is a true, accurate and
7 complete transcript, to the best of my
8 knowledge and ability, of the requested
9 proceedings had in the captioned cause,
10 in the Criminal Court for Madison
11 County, Tennessee, on the 3rd day of
12 February, 1997.

13 I do further certify that I am
14 neither of kin, counsel nor interest to
15 any party hereto.

16

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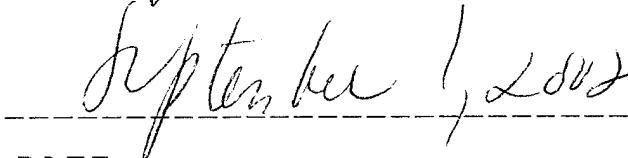

AMY MAYS

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DATE



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